

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Mexico

CARLOS HASAN HICKS

*Plaintiff(s)*

v.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF OTERO, CAROLYN BARELA, RICK  
MARTINEZ AND JOHN DOE 1

*Defendant(s)*

Civil Action No. 18-cv-0850 JB/JFR

SUMMONS IN A CIVIL ACTION TO AMENDED COMPLAINT

To: *(Defendant's name and address)* Rick Martinez  
Otero County Prison Facility  
10 McGregor Range Road  
Chaparral, NM 88081

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ellis & Estes  
3949 Corrales Rd. Suite 230  
Corrales, NM 87048  
(505) 266-0800

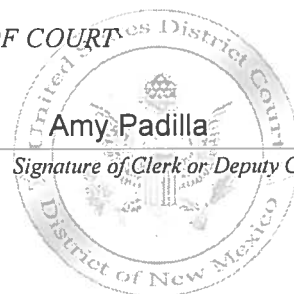
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: Friday, April 24, 2020

CLERK OF COURT

Amy Padilla

*Signature of Clerk or Deputy Clerk*



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## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Rick Martinez  
 was received by me on (date) 04/24/2020

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Hope Diaz, HR Manager at Otero County Prison Facility, who is  
 designated by law to accept service of process on behalf of (name of organization) Rick Martinez, Warden at  
Otero County Prison Facility in Chaparral, New Mexico. on (date) 04/28/2020; or

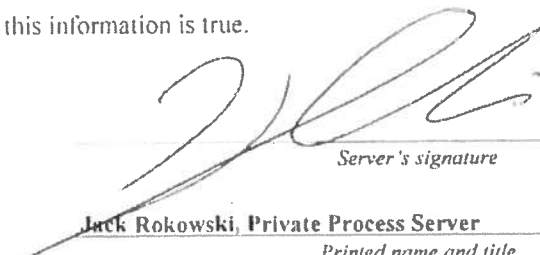
☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ 0.00 for travel and \$ 75.00 for services, for a total of \$ 75.00

I declare under penalty of perjury that this information is true.

Date: 05/01/2020

  
 Server's signature  
Jack Rokowski, Private Process Server  
 Printed name and title

PO Box 13567, Las Cruces, NM 88013  
 Server's address

Additional information regarding attempted service, etc:

Summons and Amended Complaint for Rick Martinez (Warden at Otero County Prison Facility) was served at Otero County Prison Facility, located at 10 McGregor Range Road, Chaparral, NM 88081.

Service was accepted by Hope Diaz, HR Manager at Otero County Prison Facility, who is authorized by appointment or by law to accept service of legal documents for Rick Martinez at Otero County Prison Facility.

Service completed on 4/28/2020, at 9:42AM.